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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
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12 REO BOREN,) 3:09-cv-00731-HDM-WGC
13 Plaintiff,)
14 vs.) ORDER
15 HOLLINGSWORTH,)
16 Defendant.)
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18 On September 7, 2012, the court scheduled trial in this matter
19 for February 26, 2013, and directed the parties to file a proposed
20 joint pretrial order on or before January 11, 2013. The order was
21 served on plaintiff at the address on file with the court, 1228 E.
22 San Bernardino Ave., South Lake Tahoe, CA 96150.¹

23 On January 11, 2013, defense counsel advised the court that
24 correspondence he had sent plaintiff in September 2012 at the
25 address on file with the court was returned to defendant with a
26 forwarding address of 723A E. Victoria St. #A, Santa Barbara, CA
27 93103. Counsel further advised that although he immediately resent

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1 The plaintiff last updated his address on February 10, 2012.

1 the correspondence to the forwarding address, and the
2 correspondence was never returned, he realized on January 10, 2013,
3 that he had inadvertently listed the address as 723 E. Victoria St.
4 #A rather than 723A E. Victoria St. #A. Upon recognizing the
5 error, counsel sent a letter to plaintiff at the correct address,
6 asking plaintiff to contact him immediately and to submit his
7 portion of the joint pretrial order. Defense counsel represents
8 that plaintiff has at no point contacted him about the joint
9 pretrial order.

10 The court has the inherent authority to dismiss an action for
11 failure to prosecute. See Fed. R. Civ. P. 41(b) (dismissal for
12 failure to prosecute); L.R. 41-1; *Link v. Wabash R. Co.*, 370 U.S.
13 626, 628-32 (1962) (holding that court has inherent authority to
14 *sua sponte* dismiss an action for the plaintiff's failure to
15 prosecute). Further, pursuant to LSR 2-2, the plaintiff is
16 required to keep the court apprised of his or her current address
17 at all times. The rule states:

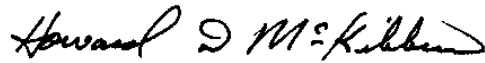
18 The plaintiff shall immediately file with the Court
19 written notification of any change of address. The
20 notification must include proof of service upon each
21 opposing party or the party's attorney. Failure to comply
22 with this Rule may result in dismissal of the action with
23 prejudice.

24 On the record before this court, plaintiff has both failed to
25 prosecute this action, either by timely filing a proposed pretrial
26 order or by filing any other notice with the court, and apparently
27 failed to advise the court of his current address. Accordingly,
28 the plaintiff is hereby ordered to, on or before February 11, 2013,
show cause why this action should not be dismissed for failure to
prosecute. Failure to respond to the court's order will result in

1 the dismissal of this action with prejudice. The clerk of the
2 court shall serve a copy of this order on plaintiff at both 1228 E.
3 San Bernardino Ave., South Lake Tahoe, CA 96150 and 723A E.
4 Victoria St. #A, Santa Barbara, CA 93103.

5 **IT IS SO ORDERED.**

6 DATED: This 28th day of January, 2013.

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9 UNITED STATES DISTRICT JUDGE
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